

1 PUBLIC HEARING ON
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3
4 LOUISIANA POLLUTANT DISCHARGE ELIMINATION
5 SYSTEM (LPDES)
6 DRAFT WATER DISCHARGE PERMIT
7
8 FOR
9
10 WASTE MANAGEMENT OF LOUISIANA, L.L.C.
11 CHEF MENTEUR
12 CONSTRUCTION AND DEMOLITION (C & D) LANDFILL
13 NEW ORLEANS, ORLEANS PARISH, LOUISIANA
14
15 AGENCY INTEREST NO. 80784
16
17
18 THURSDAY, MAY 8, 2008
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1 MR. GLORIOSO:
2 Good evening, everybody. We
3 are officially on the record now. We are

4 going to get started. I would like to start
5 by thanking everybody for coming out tonight.

6 There are going to be a few
7 procedural changes here tonight so that we can
8 get this thing presented in both English and
9 Vietnamese as best as possible.

10 The opening remarks will be read
11 in English with the displaying of the English
12 version for the power points. Then they will
13 be read in Vietnamese for the displaying of
14 Vietnamese versions of the power point.

15 The facility will present their
16 information in English, and a written copy of
17 the presentation will be available in
18 Vietnamese for those who need it.

19 There are meeting instructions.
20 Opening remarks will be given in English
21 followed by a Vietnamese translation. The
22 public world comments will be translated from
23 English to Vietnamese or vice versa, from
24 Vietnamese to English in small paragraphs.

25 All the English comments and the

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1 English translation of the comments presented
2 in Vietnamese will be transcribed in the
3 public hearing official record.

4 During the hearing, all
5 instructions by the officer will be translated
6 into Vietnamese. Power point displays will
7 followed in both languages.

8 The closing remarks will be read

9 in English with a displaying of the English
10 version of the power points. Then they will
11 be read in Vietnamese with a displaying of the
12 Vietnamese version of the power point.

13 (Translation into Vietnamese)

14 MR. GLORIOSO:

15 As I said before, this is going
16 to be presented in both English and Vietnamese
17 versions.

18 Let the record reflect that the
19 time is 6:40 p.m. My name is Jay Gloriosos.
20 I am employed with the Louisiana Department of
21 Environmental Quality. I will be serving as a
22 hearing officer this evening, Thursday, May 8,
23 2008.

24 This hearing is scheduled to
25 accept public comments concerning the

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1 Louisiana Pollutant Discharge Elimination
2 System, LPDES, draft water discharge permit
3 for Waste Management of Louisiana, L.L.C.,
4 Chef Menteur Construction and Demolition
5 Landfill, Agency Interest No. 80784, Permit
6 No. LA 0123528 and the Activity Tracking
7 Number PER20070001. The facility is located
8 at 16600 Chef Menteur Highway, approximately
9 two miles east of the intersection of I-510
10 and U.S. Highway 90 in New Orleans, Orleans
11 Parish.

12 The Waste Management requested a
13 LPDES water discharge permit to discharge

14 landfill wastewater and non-contact stormwater
15 from a closed construction and demolition
16 debris landfill under SIC Code 4953.

17 The principal discharge from
18 this existing source is made into Maxent
19 Lagoon, and then into Intracoastal Waterway,
20 then into Lake Borgne in segment 041401 of the
21 Lake Pontchartrain Basin, the waters of the
22 state classified for primary and secondary
23 contact recreation and the propagation of fish
24 and wildlife.

25 This hearing is not being

5

1 conducted in a question-and-answer format.
2 Please remember that the purpose of this
3 public hearing is for DEQ to receive your
4 comments concerning the LPDES draft water
5 discharge permit.

6 The hearing is to provide all
7 individuals a chance to be heard regardless of
8 their position on the draft water discharge
9 permit.

10 Courteous behavior is expected
11 of everyone at all times. You may speak in
12 support to the permitting actions, in
13 opposition to the permitting actions, or
14 simply to provide additional information.

15 All interested parties will be
16 given a reasonable opportunity to comment,
17 unless testimony is not related to the purpose
18 of the hearing.

050808-DEQ Hearing
19 All comments heard during this
20 hearing and all written comments received
21 during the comment period will be evaluated
22 and addressed in the department's written
23 response.

24 A public notice, in both
25 English and Vietnamese versions, advertising

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1 this public hearing and request for public
2 comment on the LPDES draft water discharge
3 permit was published in the Times Picayune,
4 New Orleans, Louisiana; the St. Bernard Voice,
5 Arabi, Louisiana; and the Advocate, Baton
6 Rouge, Louisiana on April 4th, 2008.

7 A copy of the LPDES draft water
8 discharge permit is available for inspection
9 and review at LDEQ Public Records Center, Room
10 127, 602 North 5th Street, Baton Rouge,
11 Louisiana. Viewing hours are 8:00 a.m. to
12 4:30 p.m., Monday through Friday, except
13 holidays.

14 The available information can
15 also be accessed electronically on the
16 Electronic Document Management System, EDMS,
17 on the DEQ public website.

18 Additional copies are also
19 available for review at the Orleans Public
20 Library, Headquarters, 219 Loyola Avenue, New
21 Orleans, Louisiana and Mary Queen of Vietnam
22 Catholic Church, 14001 Dwyer Boulevard, New
23 Orleans, Louisiana.

24 In addition, copies of the
25 public notice were mailed to individuals who

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1 have requested to be placed on the mailing
2 list maintained by the Office of Environmental
3 Services on April 1, 2008.

4 In accordance with the
5 Louisiana Administrative Code Title 33, Part
6 IX, Section 3113.B.1, comments received by
7 12:30 p.m., Monday, May 12, 2008 will be
8 considered prior to a final decision.

9 All comments received by 12:30
10 p.m., May 12, 2008 shall be retained by the
11 Department and considered in determining
12 whether to issue or deny the LPDES draft water
13 discharge permit.

14 Written comments on this draft
15 water discharge permit may be submitted to Ms.
16 Soumaya Ghosn of LDEQ, Office of Environmental
17 Services, Environmental Assistance Division,
18 P.O. Box 4313, Baton Rouge, Louisiana
19 70821-4313.

20 Under Louisiana Revised
21 Statutes Title 30, Section 2017, as revised by
22 the legislature in the 2004 session, the
23 Department is required to follow the following
24 order with the provision that the presiding
25 officer may give preference to a public

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1 official to speak at any time during the
2 hearing. However, any time limits set for
Page 6

3 citizen testimony shall apply to public
4 officials as well.

5 The Department must provide up
6 to 30 minutes to the permit applicant for an
7 introductory presentation. Thereafter, the
8 preference for speaking up to one hour is
9 given as follows:

10 For the first hour, to those
11 citizens who live within a two-mile radius of
12 the location of the facility; for the second
13 hour, to those citizens who work within a
14 two-mile radius of the location of the
15 facility; and for the third hour, to those
16 citizens who live within the parish of the
17 location of the facility.

18 Thereafter, each hour of the
19 hearing shall alternate between those who are
20 in support of the permit and those who are
21 opposed to the permit.

22 The order of tonight's hearing
23 will be based on the information provided by
24 the speaker on the registration form. Anyone
25 who is registered to speak but did not provide

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1 the necessary information will be given the
2 opportunity to speak. However, they will be
3 called last in the order of registration.

4 This hearing is being
5 transcribed. Therefore, I will ask that each
6 speaker begin by stating for the record their
7 name, address, and any organization he or she

8 may represent.

9 I would like to remind you to
10 please turn off all cell phones.

11 Thank you.

12 (Vietnamese translation.)

13 MR. GLORIOSO:

14 At this time I would like to
15 ask the permit applicant's representative to
16 come forward and make their introductory
17 presentation.

18 They have also provided copies
19 of their presentation in Vietnamese. I would
20 like anyone who would like a copy of that to
21 raise their hand so we can hand them out to
22 you, and you can follow along.

23 (Vietnamese translation.)

24 MR. GLORIOSO:

25 We are going to go off the

10

1 record for just a second.

2 (Off-the-record.)

3 MR. GLORIOSO:

4 We are back on the record. I
5 apologize again, folks. We are just trying to
6 get this done the proper way. We are going to
7 do a paragraph-by-paragraph translation.

8 (Vietnamese translation.)

9 MR. POCHE:

10 Good evening. My name is Tim
11 Poche. I am here tonight representing Waste
12 Management of Louisiana, the owner of the Chef
Page 8

13 Menteur Hurricane Debris Landfill. My address
14 is 451 Florida Street, Baton Rouge, Louisiana.

15 In the wake of Hurricane
16 Katrina, Waste Management responded to the
17 emergency conditions in the Greater New
18 Orleans Area by providing emergency hurricane
19 debris disposal services at the Chef Menteur
20 Landfill. The landfill is no longer in
21 operation. It last received hurricane debris
22 almost two years ago in August of 2006.

23 (Vietnamese translation.)

24 MR. POCHE:

25 The Louisiana Department of

11

1 Environmental Quality, or LDEQ, has proposed
2 the issue of standard water discharge permit
3 to the landfill. The permit will provide for
4 the discharge of waters from the site under
5 specified monitoring conditions and discharge
6 limitations while the facility undergoes final
7 closure and post-closure activities.

8 It is this standard water
9 permit we are here to discuss tonight. The
10 proposed water discharge permit is the only
11 matter subject to the public notice and this
12 hearing.

13 (Vietnamese translation.)

14 MR. POCHE:

15 We will begin our presentation
16 with an overview of the surrounding
17 environment where the discharge will take

18 place and then move into a brief review of the
19 site geology and landfill design and
20 construction as background to describe the
21 proposed discharge and will conclude with a
22 discussion of the water to be discharged and a
23 review of the overwhelming evidence that
24 establishes that the water discharge permit
25 meets all regulatory requirements and should

12

1 be issued.

2 (Vietnamese translation.)

3 MR. POCHE:

4 The Chef Menteur Landfill is
5 located in an industrial area. The area is
6 zoned for light industrial use, and the
7 facility itself is surrounded by commercial
8 and industrial developments, including a large
9 dirt pit operation directly across Chef
10 Menteur Highway, junk yards and auto salvage
11 yards to the east and west of the facility and
12 to the southeast directly across the Maxent
13 Canal, the Recovery One Landfill, a closed
14 65-acre, 80-foot high, unlined municipal solid
15 waste landfill, which lies within and is
16 actually a part of the Bayou Sauvage National
17 wildlife Refuge.

18 (Vietnamese translation.)

19 MR. POCHE:

20 Groundwater in the area is not
21 used as a residential water source. There are
22 no potable water wells or drinking water

23 sources in the area because the groundwater is
24 too salty. Residents in New Orleans East get
25 their potable water from the New Orleans

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1 public water system, which draws from the
2 Mississippi River.

3 (Vietnamese translation.)

4 MR. POCHE:

5 Additionally, as will be
6 discussed shortly by Victor Donald, the clay
7 base and clay-lined side walls of the disposal
8 cell contain the disposed hurricane debris,
9 effectively isolate that debris from the
10 surrounding environment, including any
11 subsurface groundwater.

12 Sampling of the base and side
13 walls of the disposal cell itself confirms
14 that the base consists of an approximately
15 ten-foot thick layer of low-permeability clay
16 and that the side walls are lined with a
17 minimum of two feet of that same
18 low-permeability material.

19 (Vietnamese translation.)

20 MR. POCHE:

21 With regard to surface water
22 resources in the area, the landfill site does
23 not contain any wetlands. Under the proposed
24 discharge permit, water from the landfill will
25 be discharged from the facility into the

14

1 Maxent Canal.

2 (Vietnamese translation.)

3 MR. POCHE:

4 Discharged waters will flow down
5 the Maxent Canal to a pumping station where
6 the Maxent intersects the Gulf Intracoastal
7 Waterway. There the water will be pumped from
8 the Maxent Canal into the Intracoastal
9 Waterway.

10 (Vietnamese translation.)

11 MR. POCHE:

12 The Intracoastal Waterway is
13 subject to heavy shipment barge traffic.

14 (Vietnamese translation.)

15 MR. POCHE:

16 The Bayou Sauvage National
17 wildlife Refuge is isolated from and will not
18 be adversely impacted by the proposed
19 discharge. The refuge is totally surrounded
20 by a series of levees.

21 The Maxent levee isolates the
22 refuge from the Maxent Canal to the west, and
23 the hurricane protection levee isolates the
24 refuge from the Gulf Intracoastal Waterway to
25 the south.

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1 There are two water control
2 structures linking the refuge to the Maxent
3 Canal. However, both structures are designed
4 and operated to allow water from the refuge to
5 drain into the Maxent Canal while preventing

6 any flow of water from the canal into the
7 refuge.

8 (Vietnamese translation.)

9 MR. POCHE:

10 The Vietnamese community is
11 isolated from and will not be adversely
12 impacted by the proposed discharge.

13 (Vietnamese translation.)

14 MR. POCHE:

15 First, the community is
16 approximately two miles straight-line distance
17 from the landfill.

18 (Vietnamese translation.)

19 MR. POCHE:

20 Second, although the community
21 is situated on the Maxent Canal, the community
22 is over two-and-a-half miles upstream of the
23 proposed discharge point. Water flows down
24 the Maxent Canal away from the community over
25 two-and-a-half miles before passing the Chef

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1 Landfill and before being ultimately pumped
2 into the Intracoastal Waterway.

3 (Vietnamese translation.)

4 MR. POCHE:

5 Third, a pumping station
6 located in the Maxent Canal, immediately
7 downstream of the Vietnamese community,
8 regulates the flow of water in the canal by
9 releasing water from the community downstream
10 into the Maxent, while at the same time

11 preventing the backing up of water into the
12 Vietnamese community.

13 (Vietnamese translation.)

14 MR. POCHE:

15 Waste Management designed and
16 constructed the landfill to ensure that the
17 disposed debris would remain isolated from the
18 surrounding environment.

19 Waste Management, with the
20 support of Aquaterra Engineering, a firm of
21 engineering professionals with over 27 years
22 of real world experience in the siting, design
23 and construction of landfills, including
24 municipal, commercial and industrial solid
25 waste landfills, as well as construction and

17

1 demolition debris landfills, performed an
2 extensive and thorough investigation of the
3 subsurface geology in the specific area of the
4 disposal cell and at the base and side walls
5 of the disposable cell itself.

6 (Vietnamese translation.)

7 MR. POCHE:

8 That investigation included
9 numerous soil borings to depth in the base of
10 the disposal cell and shallow borings on the
11 side walls after the disposal cell was
12 constructed.

13 Soil samples collected from
14 those borings were subjected to numerous
15 scientific tests to determine the physical

16 properties and the suitability of the soils or
17 subsurface for containment of the debris.

18 (Vietnamese translation.)

19 MR. POCHE:

20 The results of this extensive
21 investigation and testing confirm that the
22 landfill's construction and design exceed
23 standard regulatory requirements applicable to
24 Type III construction and demolition debris
25 landfills.

18

1 (Vietnamese translation.)

2 MR. POCHE:

3 As will be discussed by Victor
4 Donald, those results further demonstrate that
5 the disposal cell, as constructed, and the
6 final landfill recovery, as proposed, ensure
7 that the disposed debris will remain isolated
8 from the surrounding environment.

9 (Vietnamese translation.)

10 MR. DONALD:

11 Good evening. My name is
12 Victor Donald. I am the principal engineer at
13 Aquaterra Engineering, L.L.C., a geotechnical
14 engineering and consulting firm with seven
15 offices throughout the Southeastern United
16 States and with special expertise in solid
17 waste landfill design.

18 (Vietnamese translation.)

19 MR. DONALD:

20 I have a bachelor and master

21 degree in civil engineering from Louisiana
 22 State University. I am also a registered
 23 professional engineer in both civil and
 24 environmental engineering in the state of
 25 Louisiana.

19

1 (Vietnamese translation.)

2 MR. DONALD:

3 I have over 27 years of
 4 professional experience with special expertise
 5 in the field of landfill siting, design,
 6 construction, maintenance and closure, as
 7 reflected in my work at over 50 solid
 8 hazardous and debris landfills and
 9 impoundments for both public and private
 10 concerns in the Southeastern United States.

11 (Vietnamese translation.)

12 MR. DONALD:

13 I have provided expert testimony
 14 in both state and federal courts in the area
 15 of facility siting, design and permitting for
 16 various waste facilities, and I routinely
 17 provide training and instruction to other
 18 professionals in these areas.

19 (Vietnamese translation.)

20 MR. DONALD:

21 I was retained by Waste
 22 Management to provide a comprehensive
 23 geotechnical and hydrogeologic
 24 characterization of the Chef Menteur Landfill
 25 site and to evaluate the final closure plan

20

1 for the facility. I will address each in
2 turn.

3 (Vietnamese translation.)

4 MR. DONALD:

5 Regarding the hydrogeologic
6 characterization, I have reviewed the geologic
7 setting and conditions at the Chef Menteur
8 site.

9 First, within 40 feet of the
10 surface, there exists mainly sediments that
11 are predominately high plasticity clay with
12 isolated strata of clayey and sandy silt. I
13 will cover the significance of this plastic
14 clay momentarily.

15 (Vietnamese translation.)

16 MR. DONALD:

17 Second, the topography is
18 extremely flat. This naturally flat
19 topography throughout the area means that
20 there is minimal lateral groundwater movement.
21 Groundwater useage is highly unlikely in the
22 Chef Menteur area.

23 Louisiana Water Resources
24 office records indicate only seven wells
25 within a three-mile radius of the facility.

21

1 But these are not drinking water wells. The
2 elevated chlorides or salts in this area makes
3 the water nonpotable or not drinkable.

4 (Vietnamese translation.)

5 MR. DONALD:

6 Third, I reviewed numerous soil
7 borings that were made at the site to
8 understand subsurface conditions at the Chef
9 Landfill site.

10 In addition, our firm performed
11 five soil borings and a cone penetrometer test
12 to further characterize the hydrogeology at
13 the facility. This site-specific data shows
14 that the base of disposal cell is underlaid by
15 clay, which averages ten feet in thickness and
16 is low in permeability.

17 By that, I mean it's a clay that
18 has a very low potential for transmission of
19 any fluids. Specifically, permeability tests
20 were performed on samples of the clay
21 collected from the base and the side slopes of
22 the facility. When tested, these samples
23 showed permeability values of 6.1×10^{-8} to the
24 8.9×10^{-8} centimeters per
25 second.

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1 These numbers mean that the
2 permeability values of these clays exceed the
3 requirements of LDEQ's solid waste regulations
4 for a recompacted clay liner that would be
5 required for these Type 1 and Type 2 solid
6 waste landfills which have more stringent
7 requirements than those set for the standard
8 Type 3 C & D facilities.

9 Further, any areas of potential

10 clayey silt and sandy silt layering along the
11 cell side slopes have been plated with this
12 low permeability clay to minimize the
13 potential for fluid movement into or out of
14 the hurricane debris facility.

15 (Vietnamese translation.)

16 MR. DONALD:

17 we also performed 12 hand auger
18 borings at the base and side slopes of the
19 cell to confirm the soil types present. These
20 borings show the predominant presence of high
21 plasticity clays and ling clays to the full
22 depth of the borings which range from two to
23 three feet on the side walls and confirm that
24 a minimum of two feet of this low permeability
25 clay lines the side walls of a disposal cell.

23

1 we also ran geotechnical tests
2 on these samples in the laboratory. The
3 results confirm the low permeability of the
4 soils that formed the sides of the base of the
5 cell.

6 The permeability characteristics
7 of the side sloped soils is similar to that
8 required for recompacted clay liners for Type
9 1 and Type 2 landfills because of the high
10 plasticity and fine grain nature of these
11 materials.

12 (Vietnamese translation.)

13 MR. GLORIOSO:

14 We are going to go ahead and
Page 19

15 the facility is going to wrap up their
16 presentation at this point so that we can get
17 to the public comments, while they reserve the
18 right to come back at the end and finish or
19 add anything to what they have already
20 presented.

21 (Vietnamese translation.)

22 MR. GLORIOSO:

23 I will now begin by allowing
24 all persons who have signed up to speak five
25 minutes in which to present their comments.

24

1 Anyone who needs more than five minutes will
2 be allowed to finish his or her comments after
3 all the registered speakers have had the
4 opportunity to speak. The first to speak will
5 be those citizens who live within a two-mile
6 radius of the location of the facility.

7 (Vietnamese translation.)

8 MR. GLORIOSO:

9 Peter.

10 MR. THU HO:

11 My name is Peter Thu Ho. I am
12 living at 5176 Van Chu Drive in New Orleans,
13 Louisiana 70129, which my house is only about
14 500 feet from where we stay right now.

15 (Vietnamese translation.)

16 MR. THU HO:

17 I will say in English. He say
18 that our community is two-and-a-half miles
19 from where the discharge is going to be

20 downstream. And further, your presentation,
21 Mr. Victor Donald, he said that the water
22 level in this area is stabilized. He said no
23 movement. So how would he say that which one
24 is downstream and which one is upstream. I
25 can't make it out. Okay. So if the water is

25

1 not moving, you can't say which one is
2 downstream or which one is upstream. Maybe
3 it's flowing back to us right here
4 (inaudible).

5 MR. GLORIOSO:

6 You need to direct your comments
7 to the record. You can't direct it to a
8 particular person.

9 MR. THU HO:

10 Okay. So the water movement to
11 move up or downstream, we have no location to
12 say which one is upstream and which one is
13 downstream.

14 Secondly, I use Lake Borgne as
15 my fishing. My concern is the wastewater when
16 it gets to Lake Borgne, the habitat for
17 fishing, shrimping, we will lose all of that
18 pleasure.

19 Thirdly, lately, since after
20 Katrina, in the back of my house, maybe a hot
21 day when the water is cold.

22 (Vietnamese translation.)

23 MR. THU HO:

24 Last, and I will try to cut it
Page 21

25 short here. If you have a chance to come out

26

1 here in the summer sometime, and sometimes you
2 have to smell over three or four days straight
3 in our neighborhood here. So if you can check
4 it out and make sure that part of the trash
5 dump site won't end up in our backyards or
6 maybe something else. I have no idea. Check
7 it out.

8 (Vietnamese translation.)

9 MR. GLORIOSO:

10 Thank you, Peter.

11 Katie Tran.

12 (Vietnamese translation.)

13 MR. GLORIOSO:

14 No Katie Tran.

15 UNKNOWN SPEAKER:

16 She's on her way.

17 MS. TRAN:

18 I was wondering what are the
19 long-term impacts to our community, water,
20 fish and other wildlife. What are the
21 long-term effects?

22 MR. GLORIOSO:

23 This is not a
24 question-and-answer format. Your questions
25 aren't going to be answered. It's just a

27

1 comment that you have to direct to the record.
2 This is not a question-and-answer format.

3 It's just an opportunity for you to comment
4 regarding the permit.

5 TRANSLATOR:

6 Do you like it or not?

7 MS. TRAN:

8 No, I don't like it because
9 it's like harmful to the community and stuff.
10 Like, people live here, and it's like going to
11 stink up the community. And, like, how would
12 you feel like if something was always like
13 stinky in the air. Do you know what I mean?

14 (Vietnamese translation.)

15 MS. TRAN:

16 That's it.

17 MR. GLORIOSO:

18 Thank you.

19 We are going to go off the
20 record.

21 (Off-the-record.)

22 MR. GLORIOSO:

23 Let's go back on the record.

24 There is a concern that I am
25 saying you cannot answer questions -- ask

1 questions. You can ask questions, but you
2 can't expect them to be answered here. All I
3 am saying is that it's not a
4 question-and-answer format. DEQ will respond
5 to all public comments made. Questions will
6 be taken as statements. You can ask them, but
7 you won't get an answer. It's just a comment

8 for the record.

9 (Vietnamese translation.)

10 MR. GLORIOSO:

11 James Do.

12 MR. DO:

13 My name is James Do. And I
14 live at 13066 Chateau Court. And I know you
15 can't answer this here. But this is a
16 question I got. What are the LDEQ accountable
17 if the studies and research show that it is
18 harmful and contaminated, if the water is
19 harmful and contaminated to the fish and us
20 maybe? I think it's wrong to allow this thing
21 to happen, this permit to happen. That's all
22 I got to say.

23 (Vietnamese translation.)

24 MR. GLORIOSO:

25 Right now I am going to give

29

1 preference to speak for the council woman who
2 is present. Can she please stand up? What's
3 your name, ma'am?

4 COUNCIL PERSON WILLARD-LEWIS:

5 Cynthia Willard-Lewis.

6 MR. GLORIOSO:

7 Cynthia, okay.

8 COUNCIL PERSON WILLARD-LEWIS:

9 Let me begin by thanking the
10 Louisiana Department of Environmental Quality
11 for being in our neighborhood convening this
12 hearing, to the staff present from the Waste

13 Management concern and to all of you who have
14 come out to participate in this process where
15 the voice of the community can be heard.

16 UNKNOWN SPEAKER:

17 State your name for the record.

18 COUNCIL PERSON WILLARD-LEWIS:

19 Cynthia Willard-Lewis, Council
20 Person, District E.

21 (Vietnamese translation.)

22 COUNCIL PERSON WILLARD-LEWIS:

23 Thank you. Let me speak on
24 behalf of the community and articulate,
25 perhaps with greater clarity, the feelings

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1 that my neighbors have attempted to express.

2 All right. I will continue.

3 To the Louisiana Department of
4 Environmental Quality, as well as to all
5 assembled, the community, as a matter of fact,
6 Eastern New Orleans, feels victimized by the
7 presence of the landfill. The fact that
8 rebuilding and restoration is occurring
9 everywhere in the midst of, as you heard, the
10 smells and the stench, which impact this area.

11 There is a grave concern about
12 the continued presence of the 220,000 cubic
13 yards of waste in this area. And to come to
14 the meeting tonight to hear about a process
15 that removes the water with minimum standards
16 again has a room with citizens that are very
17 concerned about the environmental and health

18 impacts, short term, as well as long term.

19 Let me also say that as a city
20 official I am very concerned about the impact
21 on our water and drainage system that is
22 composed of pumps and canals that have been
23 monitored by the EPA and that the City of New
24 Orleans must meet standards of cleanliness and
25 appropriateness, and we are not sure -- as a

31

1 matter of fact, I was told today that no one
2 from the Sewerage and Water Board had any
3 appraisal or briefing on the plan.

4 The Sewerage and Water Board
5 should be one of the critical lines of defense
6 for the community. And, again, when they
7 meet, it is a public meeting. And so the
8 concerns of the public will always be
9 addressed. But that is a major concern of
10 mine. Understanding that the plan of action
11 referenced the pumps at the Maxent Canal and
12 not with the full confidence and certainty
13 that those pumps are always working.

14 As a matter of fact, there is a
15 situation in Eastern New Orleans where one
16 pump is being bypassed for another pump that
17 is more functional.

18 Our overall drainage system is
19 being overhauled. And we are dealing with the
20 Corps in a very successful manner of bringing
21 the system back online to full capacity. I
22 cannot say that we are at that point, but we

23 are certainly better than we were immediately
24 before the storm. But are we at the point now
25 where we can treat, receive and handle this

32

1 storm -- excuse me -- this runoff water? I
2 cannot address that. The Sewerage and Water
3 Board technicians would be the one to address
4 that, and they have not been able to chime in
5 on this plan, which they must and should.

6 Let me also just say that what
7 I heard, to me, represented a minimum in terms
8 of an approach. That we should be talking
9 about not only removing water, but we should
10 be talking about removing the contents.

11 That those of us in New Orleans
12 who were here during the days of Betsy know
13 that where we now have a Superfund site in the
14 Desire area that I also represent was where
15 the storm debris from Betsy went.

16 And so there is a history of
17 understanding that when contaminated
18 materials, and it may well have begun with C &
19 D, but it wasn't just the wood from a house.
20 It was the materials within that house, the
21 house that was not gutted with the molded
22 materials and the molded and the paints and
23 the other toxins and contaminants in it. And
24 that is what we have in this landfill right
25 now.

33

1 So the concern that the toxicity
Page 27

2 of those materials would also be in the water.
3 I know the scientist spoke to that, I think,
4 or is attempting to speak to that. But,
5 again, different scientists, different
6 outcomes.

7 And so we need the voice of the
8 highest and best practices knowing that this
9 community has already been victimized by one
10 disaster where a neighborhood became the site
11 of a Superfund area. We do not need that
12 happening here in Eastern New Orleans when we
13 know that that is what occurs.

14 We are asking for a partnership
15 with the Louisiana Department of Environmental
16 Quality to do what you all have been charged
17 with, to work for the protection of the
18 community and for the health of the entire
19 state.

20 We appreciate your presence here
21 this evening, but we wanted to say in a united
22 voice that we need to benefit from the
23 tragedies of the past, and we need to always
24 advocate the best and highest standards that
25 build a strong and healthy Louisiana and,

1 particularly, New Orleans where so much
2 devastation has plagued our community.

3 We need to be talking about the
4 agendas that make all areas whole, and we seek
5 your partnership and help in getting that
6 solution that gives this community the sense

7 of confidence that all of their hard work over
8 the past two-and-a-half years has not been put
9 in vain.

10 And we share with you, as I
11 close, that this area is also moving on, not
12 only the restoration of Bayou Sauvage, which
13 is right next door to the landfill and near
14 the Maxent Canal, but also the fact that in
15 the Office of Recovery Management, which has
16 submitted the successful plan to the Office of
17 Community Development so that we could receive
18 our community development black/red funding
19 for restoration and recovery.

20 But one of those critical
21 projects is an urban garden here in Eastern
22 New Orleans so that in all segments of city we
23 would have healthy community products that
24 could also add to not only the economics
25 development of an area but also the livelihood

35

1 of the citizens who populate that community.

2 I could say more, but I don't
3 want to go over the five minutes. I simply
4 wanted to share with you some of the concerns
5 of the community, perhaps because my English
6 is better than my Vietnamese. And, again, we
7 thank you for your presence this afternoon.

8 with those two critical points,
9 Sewerage and Water Board must chime in, as
10 well as the fact that the community is looking
11 not for a -- not for a solution to water but a

12 solution to the entire problem.

13 Thank you.

14 MR. GLORIOSO:

15 Thank you Council Willard.

16 Off the record for one second.

17 (Off-the-record.)

18 MR. GLORIOSO:

19 Let's go back on the record.

20 There's been another hopefully
21 improvement to the translation process.

22 Comments that are being made in English will
23 be translated in line in the back of the room
24 through headphones to Vietnamese, and any
25 comments made in Vietnamese will be translated

36

1 into English so that we can get them on the
2 record.

3 (Vietnamese translation.)

4 MR. NGUYEN:

5 My name is Steven Nguyen. I
6 live on 4943 Corsica Place, New Orleans
7 Louisiana 70129. I live like a block away
8 from here.

9 Today, I did put a presentation
10 together, but, obviously, I didn't want to
11 bring my presentation here. But I do want to
12 talk more about the Chef Menteur Landfill
13 issue.

14 And just to give everybody here
15 who have not been in the process in the
16 beginning, I did want to give like a brief

17 overview of what is going on and how we, as a
18 community, feel.

19 On February 14, 2006, Mayor Ray
20 Nagin used his executive power to suspend the
21 city zoning ordinance and grant the
22 conditioned use permit to Waste Management.
23 He approved the permit without a public
24 hearing because the City was in need of a site
25 to dump the debris that was in the city

37

1 streets. Only his choice was to dump the
2 debris 0.8 miles away from our community,
3 which is predominately African-American and
4 Vietnamese.

5 Waste Management through an act
6 of donation granted the City 22 percent of the
7 share of the landfill's gross receipts.

8 The executive order was
9 specifically used for the Chef Menteur
10 Landfill. It was going to be a temporary
11 landfill for six months. On April 14, LDEQ
12 gave permission to Waste Management to operate
13 as an enhanced C & D landfill, which means
14 it's expanding the definition to include
15 household furnishings, carpet, asbestos
16 contaminated waste. And on April 21st of
17 2006, the dumping began.

18 The permit was a part of a
19 number of authorizations, such as the Clean
20 water Act. And the permit also waived federal
21 guidelines, liners and appropriate monitoring

22 system.

23 As we all know about the Clean
24 Water Act, it's the primary federal law of the
25 United States governing water pollution, which

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1 means it's supposed to protect like from
2 eliminating water of high toxic substance,
3 eliminating additional water pollution and
4 assuring the surface water, which would meet
5 the standards of the necessary -- of human
6 sports and recreation.

7 what is in the landfill?
8 Everybody is trying to figure out what is in
9 the landfill. We all know what is in the
10 landfill. There are molded toxins of gutted
11 houses, gutted homes. There is lead-based
12 paint. There is asbestos, and there is
13 arsenic. I can translate this part. Arsenic
14 is basically pesticide, herbicide, insecticide
15 and various.

16 (Vietnamese translation.)

17 And how is the landfill
18 affecting our community? The Chef Menteur
19 Landfill is right next to the Bayou Sauvage
20 National wildlife, which is the largest urban
21 wildlife in the United States. It's only
22 separated so many feet from the Maxent Canal.
23 And the LDEQ has not taken the protected
24 measures of a municipal solid waste landfill
25 complete with synthetic lining (inaudible)

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1 system and groundwater monitoring.

2 The debris is still sitting. I
3 mean, it's sitting in a wetland concentrated
4 area, and it's harming natural environment.
5 And the significant threat of groundwater can
6 be intermixed. Probably it is intermixed with
7 the waste and have already probably migrated
8 into the canal.

9 I mean the stormwater and
10 discharge of the Maxent Canal, it can flow
11 backwards into our community when the pumps
12 are off; right? We did talk about it earlier.

13 And the water discharge permit,
14 it's going into the Maxent Lagoon. It's going
15 into the Intracoastal Waterway, Lake Borgne
16 where our family do go crabbing, go fishing or
17 what not and Lake Pontchartrain. We do know
18 that people, young people like myself go out
19 there and go fishing or jet skiing or what
20 not. So that's also -- my dad is a crabber,
21 and he does go to that area.

22 Just to understand the impact
23 of our community, a lot of the Vietnamese
24 people here in our community are fishermen,
25 are crabbers, are shrimpers. And that will

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1 totally affect our community on a personal
2 level.

3 MR. GLORIOSO:

4 Excuse me. I have to give you

5 one minute to wrap it up.

6 MR. NGUYEN:

7 I have a question. I know you
8 can't answer it. But has LDEQ thought about
9 pretesting the water, the wastewater and then
10 pumping it into the New Orleans sewerage
11 system in order to properly treat the water
12 thoroughly and properly? That's, obviously, a
13 little bit more intensive. But this is what
14 would definitely help our environment, our
15 waterways, our community, our canal, the
16 national wildlife. So that's one of the
17 questions I had.

18 And what change will occur in
19 accepting a body of water of a Intracoastal
20 Waterway, like Lake Borgne, Lake Pontchartrain
21 Basin over time due to the discharging?

22 Those
23 are the questions I have. I know you can't
24 answer them.

25 MR. GLORIOSO:

□

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1 Thank you.

2 (Applause.)

3 MR. GLORIOSO:

4 Timmy Vo.

5 (Vietnamese translation.)

6 MR. VO:

7 As you know, Hurricane Katrina
8 has affected our houses and our business.
9 Post-Katrina, we have -- the City has made an

10 effort to rebuild the city. We are treating
11 gutted house. And these gutted houses are
12 treated with lumber which contains arsenic,
13 copper, and pesticides or herbicides.

14 These pesticides may be harmful
15 to the canal, which is according to the -- the
16 canal. If we were being -- if we were making
17 this permit, maybe we should test the
18 chemicals in the water whether it's safe or
19 not.

20 MR. GLORIOSO:

21 Thank you.

22 Thomas Lam.

23 (Vietnamese translation.)

24 MR. GLORIOSO:

25 And I would like to remind

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1 everyone to state their name and address for
2 the record before they start speaking.

3 (Vietnamese translation.)

4 MR. LAM:

5 My name is Thomas Lam. I am 18
6 years old. I live on 5042 Michoud Boulevard.

7 I am going to ask a question
8 that I know can't be answered. Is it possible
9 for our community to hire a private or
10 independent researcher to test the wastewater
11 before it is discharged?

12 MR. GLORIOSO:

13 Thank you. I am having a
14 little trouble with this last name. It looks

15 like J. Biu.

16 MR. BIU:

17 Good evening, ladies and
18 gentlemen. My is James Biu. I live on 4923
19 Marseille Street.

20 Thank you very much for your
21 presentation. I just want to make a couple of
22 comments. I think it would have been nice if
23 the initial presentation was presented
24 graphically on power point or on map how the
25 water will be pumped out, in the direction it

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1 will be going. I think that would have helped
2 a lot in clearing some of the doubts as to
3 where the water would be flowing.

4 Also, I was confused at one
5 point at what exactly was your focal point of
6 defense of getting this permit. Was it that
7 the water was safe, and there is no need to
8 worry about it even if it accessed our canals?
9 Or was it that the water being pumped out,
10 although unsafe, would never be able to reach
11 our community? So I wasn't too sure where
12 your main focal point of defense was in the
13 presentation.

14 This landfill was closed for a
15 number of reasons, and I believe that with
16 those same reasons, this permit should not go
17 forward.

18 I was also wondering why
19 alternative pumping was never presented to us

20 here during your presentation. I felt the
21 impression of someone trying to woe us with
22 how trustee or reliable the research of the
23 one way you want to make as the only option we
24 have.

25 MR. GLORIOSO:

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1 Can you
2 speak a little louder, please?

3 MR. BIU:

4 Yes. I was just wondering why
5 there wasn't -- any alternative pumping was
6 never presented to us during the presentation.
7 I felt the impression of someone trying to go
8 woe us with how trustworthy and reliable the
9 research of the one way you want to make as
10 the only option we have.

11 I believe that for any democracy to
12 exist, alternatives must be present. And if
13 freedom is to be respected and upheld, every
14 trust must receive an equal amount of
15 attention.

16 MR. GLORIOSO:

17 Thank you.

18 Steven Nguyen.

19 MR. NGUYEN:

20 My name is Steven Nguyen. I
21 live on 4943 Corsica Place. I am 18.

22 And I just wanted to know what
23 does the wildlife and Fisheries think about
24 the landfill if they are right next to it.

25 what about the animals and the fish like

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1 around the area? What is going to happen to
2 them?

3 And like, me and my friends, we
4 go out there, and we go fishing out there
5 every week. Is that going to stop, fishing?

6 I just want to know like if you
7 can give us more information on the
8 contaminants. Like what do you mean? Not
9 like everybody knows all about the
10 contaminants. I am just a high school
11 student, so I don't really know much about it.

12 Thank you.

13 MR. GLORIOSO:

14 Thank
15 you.

16 That's
17 the last person that I have signed up that
18 lives within a two-mile radius of the location
19 of the facility. If there is anyone that
20 signed up who does live within the two-mile
21 location of the facility that I didn't call
22 on. I think we have one more. Ann Dinn.

23 MS. DINN:

24 My name is Ann Dinn. I live at
25 5191 willowbrook Drive, New Orleans, Louisiana

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1 70129.

2 And I only found out about this
3 issue yesterday because I have been busy with

4 college and everything. And as soon as I
5 found out, I was instantly outraged. Like I
6 was one of the people that protested the
7 landfill in the first place, and I spoke
8 there. It's outrageous that we worked so hard
9 to stop the landfill in the first place. And
10 I feel that it is really redundant that after
11 all of that, you take the water, and you put
12 it directly into the water.

13 And like, you know, all the time
14 I like cook, and my mom is always, don't use
15 the water from the sink, you know. Just use
16 bottle water. I'm like, it's okay. The water
17 is fine. This is going to make me question
18 whether or not I should use like bottle water
19 as opposed to sink water. It's like really
20 bad, you know. Like that's going into my
21 food, what I eat. Like I am trying to stay
22 like healthy and trying to like lose some
23 weight, you know. I just want everything to
24 be okay for my family, you know.

25 MR. GLORIOSO:

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1 Thank you.

2 (Applause.)

3 MR. GLORIOSO:

4 The next group of speakers will
5 be those who work within a two-mile radius of
6 the location of the facility.

7 (Vietnamese translation.)

8 MR. GLORIOSO:

9 Alex
10 Sheffield. Note for the record he's going to
11 defer.

12 Darryl Wiley.

13 MR. WILEY:

14 My name is Darryl Wiley. I
15 work with the Sierra Club as environmental
16 justice organizer. I live at 618 Adams
17 Street, and I work at the Mary Queen of
18 Vietnam CDC office on a regular basis. There
19 are a number of comments that I will make.

20 First, we would like to have an
21 extension of the written comment period. The
22 written comment period, as noticed, will end
23 on Monday the 12th. We would like a 30-day
24 extension for written comments.

25 Two, we feel that this hearing

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1 is not appropriate. We should be having a
2 hearing on talking about removing all the
3 waste from the landfill site, not talking
4 about how to discharge contaminated
5 wastewater.

6 In reading the permit and the
7 presentation by the Waste Management
8 officials, they call this a, quote, standard
9 water permit for C & D landfills. There is
10 nothing standard about this landfill at Chef
11 Menteur. The fact that we are talking about a
12 standardized form for this landfill is not
13 appropriate. It needs to have an extensive

14 research and more requirements for discharge
15 for a whole range of different chemicals than
16 what is listed in the permit.

17 This picture of the landfill
18 was taken while they were still dumping trash
19 in this area here. And I notice in reading
20 this, they talked about they were monitoring
21 permit of discharges from this site starting
22 in February of 2006. In fact, this whole area
23 flooded during Hurricane Katrina. It was
24 pumped out before they started this.

25 We want to know why there

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1 wasn't a permit for discharges on the record
2 before that. Were they discharging from this
3 site illegally before they got the interim
4 permit?

5 I will be presenting some
6 pictures of February, 2007 where they were
7 definitely discharging from the site into the
8 Maxent Canal, and there was a visible foam on
9 the surface of the water.

10 The
11 questions I have, this whole area now is under
12 water. I have pictures, and I will submit
13 from yesterday. I stood right here at Chef
14 Highway where the fence and the sign is, the
15 Waste Management site and took a photograph of
16 this area here, and it is entirely covered
17 with water. It's all over the cap. I think
18 that that is in violation of DEQ regulations

19 right now.

20 We feel that this permit should
21 be much more restrictive, and we need to have
22 testing for herbicides, pesticides, metals.
23 we need to have an additional analysis before
24 anything is discharged.

25 In one of the photographs that

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1 I will submit, it talks about on the site that
2 they have a -- let me get to that. They have
3 a sign on their fence saying, quote, security
4 notice, video surveillance in use on these
5 premises. We would request as part of the
6 permit that there would be a video
7 surveillance of any discharge into the canal
8 if it happens, that video would be accessible
9 on the Internet and could be used for
10 enforcement purposes if there was any kind of
11 visible sheen or discharge from the facility.

12 In the permit, I saw no
13 requirements of any kind of analysis for
14 bioaccumulation of chemicals. We are talking
15 about a waterway that I have personally seen
16 turtles, alligators, fish, wildlife,
17 fisheries, birds. We would like to have some
18 kind of analysis of possible bioaccumulation
19 impacts.

20 In reading what I have
21 downloaded from the DEQ website, I didn't see
22 an IT question analysis of possible
23 alternatives. I would like to see an analysis

24 of all the IT questions answered in any permit
25 issued for this facility. And that would be

51

1 the inclusion of possible alternative
2 discharge locations and sites.

3 I would also like to bring to
4 the attention the fact that the New Orleans
5 Sewerage and Water Board is underneath EPA
6 compliance order, that there needs to be an
7 interaction between DEQ, Waste Management and
8 the city Sewerage and Water Board to make sure
9 that any kind of discharge by the applicant
10 will not impact an EPA compliance order.

11 In reading the document, it
12 talked about some different site visits. I
13 note that there was a complaint filed to the
14 National Spills -- National Spill Response
15 Neighborhood -- National Spill Response --
16 okay. I'm finishing up.

17 MR. GLORIOSO:

18 I was going to ask you how much
19 time you needed. Because I can give you more
20 time at the end.

21 MR. WILEY:

22 I can come back up again.

23 I know I physically called the
24 National Response Center about pumping at that
25 site, and that was not included in any kind of

52

1 analysis. So I want to make sure that that

2 was included, and I will come up afterwards.

3 MR. GLORIOSO:

4 Thank you, Mr. Wiley.

5 (Applause.)

6 MR. GLORIOSO:

7 Is there anyone else who works
8 within a two-mile radius of the facility that
9 signed up that has not been called on? I
10 don't see any indications.

11 Next are those citizens who
12 live within the parish of the location of the
13 facility. And I have a Peter Tran.

14 MR. TRAN:

15 Hello. My name is Peter Tran.
16 I live at 11286 Midpoint Drive, New Orleans,
17 Louisiana.

18 My concern is with reading the
19 material that Waste Management just offered
20 us. I don't believe that the people here
21 understand the amount of water that they are
22 pumping into the river and into canal system
23 and the long-term effect, which has already
24 been listed.

25 But the thing is, the amount of

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1 water -- we already know the amount of water
2 they will pump, but we don't know how long
3 they are actually going to be doing it.
4 Considering that they say they will be dumping
5 water that comes from not actually the
6 landfill itself but the one that comes from

7 the rain. But how often will they be doing
8 this? Consider, let's say, during a hurricane
9 season where the rainwater will be
10 accumulating an enormous amount, they will be
11 pumping a large amount of whatever that would
12 be deposited into the landfill initially into
13 the canal system.

14 So I would like to make sure
15 that the people here in the Vietnamese
16 community are aware of the amount of money and
17 where this water is coming from and that they
18 learn that this will affect the ecological
19 system, even if it's the only top water where
20 it's just initially rain. Because there will
21 be a small, I believe -- I don't want to say
22 leakage, but a small amount of the actual
23 landfill water that is already there will
24 actually disperse into the rainwater, and that
25 will go into the system that they say it will

54

1 be okay to go into.

2 So at this time I wish the
3 people here would understand this will be a
4 problem, but are they willing to accept the
5 fact it's not them, but their children who
6 will be affected by this or their children's
7 children or the Louisiana coastal system
8 itself.

9 Thank you.

10 MR. GLORIOSO:

11 Thank you.

12 I don't have anyone else who
13 signed up who lives within the parish of the
14 location of the facility.

15 I am going to start by calling
16 on those who support the proposed permit.
17 James Knapp. Is there a James Knapp?

18 Tim, Tim Poche, did you want to
19 say something in addition to the comments?

20 MR. POCHE:

21 No.

22 MR. GLORIOSO:

23 Amanda Olson.

24 MS. OLSON:

25 My name is Amanda Olson. I

55

1 live at 33830 Cypress Bluff Drive.

2 MR. GLORIOSO:

3 Can you speak up, please?

4 MS. OLSON:

5 33830 Cypress Bluff Drive,
6 Denham Springs, Louisiana. I am representing
7 Waste Management of Louisiana. I am the
8 market area engineer for Waste Management of
9 Louisiana. I am a registered professional
10 engineer. I have certifications in both
11 environmental and civil engineering. I have
12 been practicing in the solid waste industry
13 for over 24 years.

14 I personally am involved and
15 was involved with the development of this
16 facility from its inception. I was also

17 involved with the facility during its
18 operation.

19 I can tell you unequivocally
20 that all discharges during the course of its
21 operations were authorized, and they were
22 safe. I can also tell you that this facility
23 has tested the water on many occasions,
24 including the water that is there today that
25 is the subject of this permit action.

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1 And it's been tested for a lot
2 of the parameters that many of the commenters
3 have made. It's been tested for organics.
4 It's been tested for metals. It's been tested
5 for a lot of the constituent concerns that
6 were mentioned, and they were all included as
7 part of our application. So they are a matter
8 of public record if any of you care to go and
9 research that.

10 As we said, the subject tonight
11 is the discharge permit. I know that there
12 are some concerns. And as I have said, the
13 data is available for your review. The water
14 does meet all health standards. It's
15 protected within human health and the
16 environment.

17 And with regard to the final
18 closure of this facility, it's important to
19 understand that in order to finish closing
20 this facility, it stopped receiving waste in
21 August in 2006.

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22 So in order to complete the
23 closure activity, this water needs to be
24 discharged. So I think it's in everyone's
25 best interest that this water is discharged

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1 under a proper permit. That is what we are
2 asking for tonight so we can completely close
3 this facility and close it and go into
4 post-closure monitoring.

5 So with that, I request that
6 the DEQ issue this permit. Thank you.

7 (Applause.)

8 MR. GLORIOSO:

9 Now I am going to call on those
10 who oppose the proposed permit. I have Lisa
11 Jordan.

12 MS. JORDAN:

13 My name is Lisa Jordan. My
14 address is 6329 Freret Street, New Orleans,
15 Louisiana 70115. I am a supervising attorney
16 at the Tulane Environmental Law Clinic, and I
17 represent Citizens for a Strong New Orleans
18 East. Father Luke and the Green Zone Task
19 Force and the Environmental Action Network.

20 My clients oppose this permit as
21 is currently written. The one true thing that
22 was said by Ms. Olson is, they do need this
23 permit to discharge that water, and that is
24 exactly what were afraid of.

25 The water that they seek to

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1 discharge, and I have an exhibit. I am going
2 to enter it into the record as Exhibit A.
3 This is a picture of the landfill as it exists
4 now. As Mr. Malek-Wiley said, it is under
5 water. You didn't hear anything from Waste
6 Management about that. You didn't hear
7 anything from Aquaterra about that. You never
8 heard anything from DEQ about that. But it's
9 under water, and I think its a little
10 relevant.

11 I am going to submit this as
12 Exhibit One.

13 MR. GLORIOSO:
14 We will accept that as Exhibit
15 No. Three.

16 MS. JORDAN:
17 Thank you.

18 Mr. Donald from Aquaterra got
19 up here and spoke about analyses that they
20 performed on the natural lining of this
21 landfill and how it's going to prevent any
22 seepage of anything that is in the landfill
23 down into the groundwater. I don't understand
24 how you can say that when the landfill again
25 is under water.

□

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1 we think it's highly likely that
2 that water represented in that picture is
3 actually groundwater. There has not been some
4 kind of deluge of rain. And the other
5 important factor it's been like that for

6 probably about eight months. It's unclear
7 because we weren't notified that it was under
8 water. No one told anyone that it was under
9 water. So we guess it's about eight months,
10 basically sometime after July when Waste
11 Management lost its right to discharge the
12 water under the emergency authorization.

13 DEQ needs to answer why the
14 fact that this landfill and all of its waste
15 has been under water for eight months is not
16 relevant to the permit that will allow it to
17 be discharged.

18 Ms. Olson said that the water
19 had been tested, including the water that
20 would be discharged under this permit. I am
21 not sure what water she's talking about,
22 whether it's a settling pond or a retention
23 pond or the actual cell that is depicted in
24 the picture. But I am not sure that the
25 water -- that is covering the waste and the

□

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1 landfill has been tested, and I am not aware
2 that it's been tested to determine that it's
3 groundwater. I am told that there is a fairly
4 easy test that you can perform. If it is
5 groundwater, it's very relevant to this
6 permit.

7 The permit has to control any
8 pollutant that may be present in the
9 discharge. There are only two pollutants that
10 will be permanently limited under this permit,

11 just two; total organic carbons and oil and
12 grease. That's it.

13 During the period that they are
14 discharging all of that water that is covering
15 the waste, there be will some more things that
16 will be limited and monitored. But long term,
17 you are getting two things and four things
18 monitored and two things limited.

19 We raised it many, many times
20 that there is a lot of evidence that the
21 lining of this landfill is not mas Aquaterra
22 would have you believe, completely
23 impermeable. And we submitted evidence. Dr.
24 Paul Kemp, who used to be and at the time was
25 with the LSU School of the Coastal Environment

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1 an objective party who after Aquaterra
2 performed their study, put another affidavit
3 out and said I read the Aquaterra study. I
4 still think it's still permeable. That is my
5 expert opinion.

6 We submitted that DEQ has never
7 spoken to that. I am going to submit some
8 other exhibits for the record. DEQ complained
9 in one of our court proceedings that we keep
10 submitting the same stuff. We do keep
11 submitting the same stuff, and we will
12 continue to keep submitting the same stuff
13 until DEQ responds to this same stuff. So
14 here it is as Exhibits B through -- I don't
15 know what you-all will call it. But on my

16 system, it's B through K.

17 We believe the agency needs to
18 answer these questions. Save Ourselves, the
19 case, the Louisiana Supreme Court decision
20 mandates it. The agency needs to do a "Save
21 Ourselves" analysis on this permit. They have
22 done well since April of '06 when they did a
23 brief one associated with the emergency
24 authorization. It did not address closure
25 issues. It did not address discharge of water

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1 that was sitting on top of waste for eight
2 months. It's addressed none of that. The
3 agency has an obligation to do that, and we
4 would ask that it would. And we will be
5 submitting some written comments as well.
6 Thank you.

7 MR. GLORIOSO:

8 Thank you, ma'am.

9 (Applause.)

10 MR. GLORIOSO:

11 We will accept your exhibits as
12 4 through 13.

13 Paul Nguyen.

14 MR. NGUYEN:

15 Thank you, gentlemen and
16 ladies. First of all, I would like to -- my
17 English is very poor. Okay? So please --

18 MR. GLORIOSO:

19 State your name and address.

20 MR. NGUYEN:

21 So please bear with me. My
22 name is Paul Nguyen. I live at 4830 Palace
23 Street right here in New Orleans East right in
24 this parish right here.

25 First of all, I would like to

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1 turn (inaudible) today so we can say something
2 about the dumpster in our community. As you
3 say, two miles, two-and-a-half miles, the sign
4 through the 510. But our community is right
5 here. So you got about one mile. That's too
6 close for a community.

7 First of all, our people today
8 come here mostly to oppose the plan to pump
9 out water, to move all of the things dumpster.
10 A contract from Waste Management and the city
11 of New Orleans, whatever you put in there,
12 they have to remove it, not leave it in there.
13 Pump out the water, it's not good.

14 We're talking here today for
15 our community and also for our future, for our
16 babies, not for us. We are too old. Sooner
17 on later, (inaudible) we will go. That's why
18 we came today to ask you please help us, first
19 of all, to remove all the things in there, not
20 pump out the water. Pump out the water might
21 be one time, two times, and then (inaudible).
22 It will be under the water like this again.

23 So I would like you to know and
24 please help our community, help our parish,
25 help our people, help our next generation to

1 remove all of the things in the dumpster, not
2 pump out the water. That's all I can say.
3 Thank you.

4 MR. GLORIOSO:

5 Thank you.

6 (Applause.)

7 MR. GLORIOSO:

8 Wilma Subra.

9 MS. SUBRA:

10 My name is Wilma Subra. I live
11 in New Iberia, Louisiana, and I am here
12 tonight representing Louisiana Environmental
13 Action Network.

14 A number of years ago in
15 discussions of where landfills should be
16 located, some engineers in the state of
17 Louisiana stated we can design and construct a
18 landfill in Lake Pontchartrain.

19 We are here tonight, 2008, and
20 we have a landfill under water in the Lake
21 Pontchartrain Basin. I don't think that is
22 progress at all.

23 The DEQ public notice and
24 request for public comment and the draft water
25 discharge permit for the Chef Menteur landfill

1 is insufficient to address the credit
2 situation that exists at the Chef Menteur
3 Landfill.

050808-DEQ Hearing
The Chef Menteur landfill

4
5 disposable cell, also referred to as a waste
6 sell, is completely covered with very deep
7 water. And I have pictures of the waste being
8 disposed of and the water over it.

9 There currently exists at the
10 Chef Menteur site basically an underwater
11 landfill covered with waste contact
12 stormwater. The retention pond and final
13 settling pond that were designed to hold
14 wastewater prior to it being discharged into
15 the Maxent Lagoon are also filled with waste
16 contact storm water.

17 Wastewater has accumulated in
18 the waste cell and impoundment since July 12,
19 2007. Ten months ago. So it's ten months of
20 accumulation.

21 At the end of February, of
22 2008, there was an approximately two feet of
23 freeboard in some areas of the birms of the
24 impounded area and flow between the
25 impoundments over the birms and other areas.

□

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1 Since that time, the area where the landfill
2 is located have received substantial rainfall.

3 The situation at the Chef
4 Landfill mas it exists today, requires more
5 stricter discharge permit conditions to ensure
6 that toxic chemicals from the submerged waste
7 are not discharged from the site and the
8 situation also requires the implementation of

9 a remedial action plan to restore the
10 integrity of the waste cell, the integrity of
11 the retention pond and the final settling pond
12 in order to isolate the cell in the
13 impoundment areas from the surrounding
14 environment.

15 Dewatering and discharging of
16 the waste water from the waste cell and the
17 ponds without taking appropriate waste water
18 treatment measures and remedial activities
19 could result in on toxins contaminating the
20 aquatic environment, disruption of the waste
21 previously deposited in the waste cells,
22 failure of the walls of the waste cells and
23 ponds and structural failure of the overall
24 landfill site leaving to go offsite
25 contamination events with long-lasting

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1 consequences.

2 The site currently has water
3 flowing and seeping into, out of and in
4 between the impoundments. Seepage has been
5 observed along the railroad track prior to
6 February, '08. The seepage area was under
7 eight to ten feet of water at the end of
8 February, '08. Water in the unnamed
9 impoundment has been observed flowing into
10 Impoundment B. Water has also been observed
11 flowing across the road between impoundments B
12 and C. The impoundment freeboard is
13 nonexistent in some areas. There is a need to

14 drain the impoundments carefully with proper
15 treatment techniques and proper disposal of
16 all the impoundment waters. Monitoring of the
17 receiving water body and proper evaluation and
18 remediation of the facade walls and seepage
19 areas of the impoundment.

20 This current situation at the
21 landfill is substantially different from the
22 usual discharge of wastewater from the C and D
23 landfill. DEQ must require these activities
24 and strengthen the chemical limits and
25 monitoring requirements of the discharge

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1 permit as part of this action on the
2 application.

3 I would like to present to you
4 the following activities that must be required
5 by DEQ to be performed by Waste Management of
6 Louisiana at the Chef Menteur Landfill and
7 surrounding areas in conjunction with the
8 discharge of waste water from the Chef site.

9 Am I just about out of time?

10 MR. GLORIOSO:

11 30 seconds.

12 MS. SUBRA:

13 I will come back and go through
14 the list of the things that DEQ must do --
15 must require Waste Management to do at this
16 site again. Is that all right? And I have
17 for you copies of the statement and the
18 photographs of both the waste and the area

19 where the waste is located that is now under
20 water.

21 Thank you.

22 MR. GLORIOSO:

23 Thank you. Do you want us to
24 accept those as exhibits?

25 (Applause.)

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1 MR. GLORIOSO:

2 Do you want this as one exhibit
3 in globo?

4 MS. SUBRA:

5 Yes. Thank you.

6 MR. GLORIOSO:

7 We are going to accept Exhibit
8 No. 14 into the record.

9 Lisa Jordan. I'm sorry. We
10 just had Lisa.

11 Is there anyone who signed up
12 to speak that hasn't been called on?

13 If there is anyone else who
14 would like to speak, I am going to give them
15 the opportunity to speak at this time.

16 State your name and address
17 forward, please.

18 MS. RHEAMS:

19 My name is Ann Rheams. I am
20 with the Lake Pontchartrain Basin Foundation,
21 and my office is in Metairie, Louisiana. I
22 live in Orleans Parish.

23 And we are very concerned about

24 this permit. We were concerned with the
25 original development of this site for the

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1 C & D, and we really encouraged DEQ to please
2 do everything that you need to do to do proper
3 analysis of particular having -- we did not
4 know that it was under water right now.
5 That's pretty serious, and these waters will
6 go into Lake Pontchartrain. We have already
7 had river water for too long in the lake right
8 now. We sure don't need more toxins in the
9 lake right now. So please do your diligence,
10 and we will be submitting comments.

11 I would like to say, too, to
12 please extend as Darryl Malek-Wiley asked to
13 extend the written comment period beyond May
14 12th. I am not sure if you can tell us
15 tonight that you can do that, but I would
16 appreciate knowing soon that that is a
17 possibility.

18 Thank you.

19 MR. GLORIOSO:

20 Is there anyone else who wishes
21 to speak that hasn't signed up?

22 FATHER NGUYEN:

23 My name is Father Luke Nguyen
24 from Mary Queen of Vietnam Church. My address
25 is 5069 Willowbrook Drive, New Orleans,

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1 Louisiana 70129.

2 MR. GLORIOSO:

3 Can you speak up a little,
4 Father?

5 FATHER NGUYEN:

6 Yes. Do you want me to repeat
7 the address?

8 MR. GLORIOSO:

9 Please.

10 FATHER NGUYEN:

11 Mary Queen of Vietnam Church,
12 5069 Willowbrook Drive, New Orleans, Louisiana
13 70129.

14 I have two comments to be on
15 the record. My first comment is the deadline
16 for the written comments, I would like it to
17 be postponed because of the translation of the
18 organized -- not organizing from the beginning
19 so that the message and the point is not clear
20 to our people here. So we need extra time for
21 the written comment for the deadline to be
22 postponed. I don't know when. We will try to
23 write a letter to Ms. Cheryl.

24 Second, the landfill and the
25 water that is -- I would like to see if it's

1 possible to be tested for the community to
2 know again. And if it's toxic right there, I
3 know we cannot leave it there. I understand
4 that. But, also, how are we going to
5 discharge that? What are the solutions? What
6 are the alternatives? And if the solutions to
7 discharge the water, a lot of people are

8 concerned, not only this community, but other
9 communities around us and also the comment
10 just expressed here.

11 I would like to see in the
12 procedure how are we going to filter, how are
13 we going to -- if it has toxins in there, we
14 cannot release it into the water. And so how
15 is it going to be done? And let the
16 processing be known to the community so that
17 they, too, can understand your struggle, our
18 struggle and what is the better -- what is the
19 best way for this water to get out from this,
20 this place. Those are my two comments.

21 Thank you.

22 (Applause.)

23 MR. GLORIOSO:

24 Thank you. Is there anyone
25 else who wishes to speak that hasn't signed

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1 up?

2 SISTER ROSSELLO:

3 We thank you very much.

4 MR. GLORIOSO:

5 Can you state your name and
6 address?

7 SISTER ROSSELLO:

8 I'm sorry. Sister Mary
9 Rossello. I am a sister working in a Parish,
10 and we have a daycare center, the Holy Rosary
11 Center (inaudible). In school, education,
12 sometimes the public school (audible). You

13 know, I cannot say -- depend on heritage for
14 the kids. So even though they do it in a time
15 (inaudible) look around, and so we are
16 thinking about in future to come up here to
17 say about the future for the kids. So we do
18 with them -- we are very concerned. We are
19 very, very -- the improvement for the
20 community and the school, too.

21 But parents and children are
22 thinking about generations coming or the
23 students coming, and they are worrying about
24 in future water coming in this area. So I
25 would like to concern about, for the children,

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1 the grandkids, the area for education. So we
2 support (inaudible) them the area. Thank you.
3 we very would like to bring up like
4 (inaudible), but we cannot do. So now we try
5 to come and let us bring an idea with you.
6 Okay. Thank you.

7 (Applause.)

8 MR. GLORIOSO:

9 Thank you.

10 Please state your name and
11 address for the record.

12 MS. STIAZE:

13 Sure. Shelley Stiaze, 61389
14 Highway 434, Lacombe, Louisiana. I have
15 several comments to make. I am a concerned
16 citizen. I grew up in New Orleans East,
17 actually, not far from here at all.

18 First, to clarify a few things
19 for you guys, Bayou Sauvage is not totally
20 enclosed by hurricane protection levees. You
21 have part of the refuge that is inside the
22 levee system and part of the refuge that is
23 outside the levee system. Bayou Sauvage lies
24 right next to the Maxent Canal, which you will
25 be discharging into.

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1 I am very surprised that the
2 Sewerage and Water Board was not included on
3 any of the decision making. Pump station 15
4 lies at the end of the Maxent Canal that pumps
5 right into the Intracoastal Canal. That pump
6 station has not been working since the storm.
7 It is still not working today. Okay?

8 When you guys pump that water,
9 you cannot control which way the water is
10 going to go. You cannot say this water is
11 going to go straight down the canal this way.
12 Some of it is bound to go the other way, down
13 the Maxent, which connects into other canals
14 that affect the community.

15 Once you try to direct that
16 water into that pumping station should the
17 Sewerage and Water Board get that pumping
18 station working, you are going to dump it
19 right into the Intracoastal and right into
20 marshes that are located within the Bayou
21 Sauvage National Wildlife Refuge boundary. So
22 I found some very incorrect statements with

23 your analysis that I just stated.

24 The other thing I wanted to say

25 is in your report that you had on the web,

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1 there was several times you did water testing.

2 The latest water testing I believe was in

3 February. And who tested the water, I don't

4 even believe or he did not comment whether he

5 tested the water or not. It seems like it was

6 just a site visit.

7 Prior to that in September,

8 several groups, and the church was one of

9 them, that went out and viewed the site, and

10 the water was tested. And it was sent to a

11 lab for analysis. There were six times more

12 toxins than what is allowed. And that is

13 within your paperwork. I don't know if the

14 people here know that, but that is located in

15 your report. That is on the web.

16 Also, when they went out to

17 look at the site, there were aerosol bottles,

18 motor oil containers, film developing liquid,

19 all of that was stated in the report also.

20 And unless it was cleaned up in less than six

21 months, then that stuff is still there. That

22 is a hazard to the wildlife that exists in

23 that area.

24 You are saying you guys did

25 your homework. Bayou Sauvage is a sanctuary

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1 for a lot of water foul, birds and fish. They
2 are eating right out of that very area, and
3 they also nest along that Maxent Canal also.
4 So they are eating out of the same area you
5 want to dump the toxins into.

6 So, basically, that is the
7 comments I have to say.

8 MR. GLORIOSO:

9 Thank you.

10 Anyone else want to comment?
11 Please state your name and address for the
12 record.

13 MR. NGUYEN:

14 My name is Hung Nguyen, 5251 E.
15 Lemans Street.

16 MR. GLORIOSO:

17 Speak a little louder, please.

18 MR. NGUYEN:

19 I have been a resident here all
20 my life. Basically, I run a youth
21 organization. With my kids that come into the
22 center, they have been through a lot of
23 devastation from the storm. And we all know
24 the magnitude of the storm that did hit us.
25 Their health and mental health is a big

1 concern.

2 Again, dumping water into the
3 spillway, you guys are talking about having
4 levee protection lining around there. We all
5 know how badly the storm was and the damage

6 that it provided.

7 We were promised they were
8 going to build a 100-year protection plan for
9 the levees. But what makes you think in two
10 years another storm won't come in or any kind
11 of storm will come in, which will flood that
12 spillway or the pump won't even work.

13 We were guaranteed before that
14 the levee system here that the pump would
15 work, that things like this won't happen.
16 Unfortunately, being realistically if a storm
17 hits you, you all know the pumps probably
18 won't work. The water will probably spill all
19 the way back into the community. You talk
20 about coming back and rebuild again, that is
21 just not going to happen, especially having
22 all of these toxins and this material, we know
23 how bad it is. Because I know what type of
24 trash that went into the landfill. You are
25 talking about mold, asbestos and things like

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1 that.

2 So my concern is that I am
3 worried for my youth that come up through the
4 organization that is there, the health. Maybe
5 my kids in the future have to worry about the
6 effects of this decision that is going to be
7 made today about living in a toxic
8 environment, living in a -- it's really
9 unbearable of what you guys are proposing to
10 release this type of toxins into the waterways

11 and into our environment, into our homes, into
12 our backyard. It doesn't make any sense to
13 us.

14 Thank you.

15 MR. GLORIOSO:

16 Thank you.

17 (Applause.)

18 MR. GLORIOSOS:

19 Please state your name and
20 address for the record.

21 I don't want to, please. Okay,
22 anyway. I am a mother of two.

23 MR. GLORIOSO:

24 Can I get your name for the
25 record?

□

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1 MS. TRAN:

2 Yes. My name is Julie Tran. I
3 live in the (inaudible). I am kind of
4 nervous. That's why. Anyway, speaking to a
5 whole group like that with me it's very hard.
6 But I have to speak up, something I think, you
7 know, it's not right. When I see the map you
8 proposed and you-all want to propose to get
9 something done, it really -- it really is not
10 in the future.

11 I am just working in the
12 (inaudible), and I understand that when you
13 use the film, the dust and, you know,
14 respirator, you are doing something
15 (inaudible). So I understand you have to wear

16 a protection PPE. That's required from the
17 government (inaudible). I work in there less
18 than a year. So -- and I think that is not
19 right.

20 You-all are proposing -- they
21 say the water is not toxic, but it's not right
22 because the natural water already absorbed to
23 the ground. And, you know, the landfill
24 always have dust, film and they borne out the
25 insects, mosquito and everything else. And

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1 you-all need to, you know, cover or to kill
2 them, you have to put the toxin -- I mean, you
3 know, chemical to kill in order to kill that
4 so make our area not have a mosquito around
5 during the, you know, summertime. You know,
6 that's why. And I don't know about that much
7 because I am working. I have a little kid.
8 So I am not go to listen in the beginning.
9 The last few and they stop.

10 But right now, I think it's not
11 right. You-all need to think it over because
12 environment is very important. Our future,
13 our people, actually, they are not concerned
14 about how much and they not go to the doctor,
15 not go to the hospital. But in the future, we
16 have -- they a kid they become a citizen.
17 They live here, and they will follow the pack
18 here. You know what I am saying? They will
19 (inaudible). So you-all can handle in the
20 future or not.

21 Our people not go to the doctor
22 or hospital (inaudible). They have a symptom,
23 but they say just imagine, but, you know, our
24 generation is very important. So my concern,
25 that's what I understand, just Mother Nature.

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1 I am not experienced in lot of ways in water
2 testing, but I am not. But the film, the dust
3 and the environment in the future. So I just
4 hope you-all think it over. That's all I have
5 because that's all I have to say. So just
6 think it over what you-all have done, and
7 you-all can handle in the future. They
8 brought up in the headlines -- right now they
9 are still a promotion. They are just trying
10 to say the ozone. They just test the ozone.
11 In the news they talking about testing the
12 ozone. Everybody cannot handle it. They get
13 sick (inaudible). In the news a couple of
14 days ago.

15 You see, that's why I said the
16 dust, the film, and not just the water, but
17 the (inaudible) and everything. So my concern
18 is not right for us because my kids are closer
19 (inaudible). Don't laugh at me. I don't want
20 to cry. I am trying to say speak up, but
21 that's my nature.

22 Thank you.

23 MR. GLORIOSO:

24 Thank you.

25 (Applause.)

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1 MR. GLORIOSO:

2 We are still looking for
3 anybody who doesn't sign up who wishes to
4 speak.

5 MS. TRAN:

6 Hi, ladies and gentlemen. My
7 name is Kim Phan Tran. I live at 13318
8 Lourdes Street. In my backyard is a canal
9 right in the Michoud. So my English, I know
10 what I speak is not really well (inaudible),
11 but even a lot of words I cannot understand.
12 So my Vietnamese people right here so I speak
13 in Vietnamese he will explain and translate
14 into English.

15 (Vietnamese translation.)

16 MR. GLORIOSO:

17 Can you please state your name
18 and address for the record.

19 MR. NGUYEN:

20 Her name is --

21 MR. GLORIOSO:

22 Your name.

23 MR. NGUYEN:

24 My name is Steven Nguyen. I
25 live on 4943 Corsica Place.

□

1 MR. GLORIOSO:

2 You are translating for her?

3 MR. NGUYEN:

4 Yes, I am just translating.

5 She was saying she lives on
6 Lourdes Street, and her back yard is a canal.
7 And before Katrina, we had to stop a landfill
8 from opening already. Now, we came back from
9 Hurricane Katrina. Now we have to deal with
10 this again. Now this time they were
11 successful in placing a landfill in our
12 community. Now we are going through the
13 struggles of that. It's unbearable already.
14 Now that Waste Management is thinking about
15 trying to get a permit to release -- discharge
16 the waste water into the canal, it's going to
17 affect her backyard and her -- the water
18 quality in her backyard.

19 And during the summer, like
20 starting right now already, she has to turn on
21 her AC. You can smell the air. It smells
22 really, really bad. It's a really bad odor in
23 her home. So she has to even turn off her AC.
24 With her garden, she has a garden in her
25 backyard. That would be affected as well in

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1 her garden. Because of the odor and what not,
2 there are a lot more insects than before and
3 what not, mosquitoes and what not.

4 MS. TRAN:

5 I also thank you, Ms. Cynthia
6 Lewis. (Inaudible). So I call Amy many times
7 to talk to you about a smell. So for a while
8 I know, you try something to help it out.
9 It's (inaudible).

10 MR. NGUYEN:
11 She just wants to thank you for
12 helping out. Before she used to call Amy
13 because you were always there for her. Now,
14 she just wants to make you sure you know that
15 she is very thankful.

16 MS. TRAN:
17 (Vietnamese translation.)

18 MR. NGUYEN:
19 She said because the odor and
20 the smell and the contaminated water, I mean,
21 the water right now, it's not great water
22 right now already. Like adding this to the
23 water quality, it's really bad.

24 Just by standing outside, it's
25 really -- you have a lot more mosquitoes than

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1 you had before and a lot more insects. That
2 will definitely affect the future of the
3 youth.

4 MS. TRAN:
5 (Vietnamese translation.)

6 MR. NGUYEN:
7 She's asking about the quality
8 of our drinking water. Would that -- I mean
9 would this like affect our drinking water or
10 sewerage? Thinking about the long term, how
11 would that affect our drinking water and the
12 quality of water.

13 (Applause.)

14 MR. GLORIOSO:

15 Thank you.

16 Is there anyone else who wishes
17 to speak who hasn't signed up? No one has
18 indicated that they wish to speak at this
19 point. I am going to go ahead and begin my
20 closing remarks.

21 I'm sorry. Mr. Wiley wanted to
22 come back and make more comments. Can you
23 state your name again for the record?

24 MR. WILEY:

25 Darryl Malek-Wiley, Sierra

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1 Club, environmental justice organizer.

2 I have additional comments. In
3 reading the statement of basis for this
4 permit, you have a number of .483MGAD as part
5 of the estimated discharge for permit one
6 outfall 001 and outfall 102. So I want to
7 know how many -- I can't understand myself if
8 we are talking about that discharge everyday
9 or if that's a total discharge. So I would
10 like to have some clarification about the flow
11 coming out of the site, and I believe that
12 the -- in this, it says factual information,
13 facility information. There is no way that
14 they can -- because this whole site is under
15 water, there is -- since and some of the
16 testimony, we have already heard, there is no
17 way to do treatment as they talk about in
18 point C. So we want some kind of additional
19 analysis of what is going to happen, how we

20 are going to treat since we got so much water
21 on site what is going happen.

22 On page two, footnote one, they
23 have a comment here, and I quote, discharges
24 from landfill are typically the results of
25 rain events that cause overflow from retention

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1 ponds, end quote.

2 I think that what we are
3 dealing with at the Chef landfill is not only
4 rain discharge, we are also seeing some
5 groundwater infiltration into the site. I
6 don't think we have we have had enough
7 discussion about groundwater intrusion into
8 the site and how that would affect your whole
9 permitting process analysis of the amount of
10 flow and issues like that.

11 Another issue that is not
12 directly related to the water permit, but it
13 needs to be in the record. When I was by the
14 site yesterday, I smelled hydrogen sulfide,
15 the rotten egg smell. So I want to have
16 additional air testing around the site to see
17 what kind of H₂S₄ we are getting off the site.
18 I am especially concerned about the immediate
19 businesses working around the area, possible
20 chronic impact from long-term exposure to the
21 hydrogen sulfide. I am also concerned if we
22 get any workers working on the site that there
23 are OSHA regulations that need to be put into
24 place to make sure that any worker on the site

25 is not exposed above OSHA regulations for

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1 hydrogen sulfide.

2 And I am going to include into
3 the record just a fax sheet from the state of
4 New Jersey on hydrogen sulfide health impacts.
5 That is the end of my comments. I will have
6 additional written comments.

7 MR. GLORIOSO:

8 Thank you, sir. I will accept
9 your written comments as Exhibit 15.

10 Please state your name and
11 address again for the record.

12 MS. SUBRA:

13 Once again, my name is Wilma
14 Subra. I am from New Iberia. And I am
15 finishing my testimony.

16 When I left off, I was talking
17 about the issues that I would like to request
18 that DEQ require that Waste Management of
19 Louisiana at the Chef Menteur Landfill and the
20 surrounding area in conjunction with discharge
21 of waste water for the Chef landfill.

22 One, identify the areas where
23 water is overtopping the berms and seeping
24 into and out of the impoundments, stabilize
25 and remediate the areas contributing to inflow

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1 and outflow.

2 Second, set up a portable

3 wastewater treatment unit to adequately treat
4 the impounded water to meet the industrial
5 waste water discharge limits, not the
6 standards that are in the current proposed
7 permit.

8 Toxic and industrial solid
9 waste, as well as hazardous waste, was
10 disposed of in the Chef Menteur Landfill,
11 commingled with the hurricane debris. This
12 waste has been submerged under water for a
13 long period of time. Waste was last deposited
14 in the landfill on August the 14th of '06.
15 Waste water was last removed, according to the
16 records from the landfill, July 13th, 2007.
17 Thus, the waste water in the waste cell and in
18 the impoundments on the site have been
19 contaminated with toxic chemicals from the
20 waste deposited in the disposal cell.

21 In addition, the waste water in
22 the cell and in the impoundments have been
23 determined to have concentrations of ammonia,
24 total suspended solids, heavy metals and total
25 organic carbon in excess of wastewater permit

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1 limits established for C & D landfills.

2 The permit application proposes
3 to treat the waste water by retention,
4 flocculation and recirculation as necessary.
5 These treatment methods have proved to be
6 inadequate and are totally inappropriate to
7 treat the toxic chemicals in the waste water

8 at the Chef Menteur site.

9 The use of a portable treatment
10 unit adequate to treat toxic organics and
11 heavy metals to nondetectible limits is
12 necessary to protect the environment and the
13 area of the Chef Menteur landfill.

14 Flow requirements and
15 restrictions through the portable treatment
16 unit must be established in order to lessen
17 the impact on the receiving water body. In
18 the application, the proposed flow was
19 estimated to be 0.483 million gallons per day.
20 This flow rate was to occur during
21 intermittent discharge events. Taken into
22 account the large volume of waste water to be
23 treated and discharged, DEQ must require that
24 the allowable flow rate not negatively impact
25 the integrity of the cell, the integrity of

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1 the impoundment and does not negatively impact
2 the receiving water body. And we have heard a
3 lot tonight about the receiving water body.

4 DEQ must establish monitoring
5 requirements and discharge limits for the
6 wastewater that will include monitoring for
7 volatile organic chemicals, semi-volatile
8 organic chemicals, heavy metals with affluence
9 of nondetectible concentrations.

10 Monitoring frequency should be
11 first established as once per day until the
12 effectiveness of the treatment unit is

13 established. In order to determine the impact
14 of the discharge on service water quality, of
15 critical importance in the requirements for
16 the monitoring of the receiving water body on
17 a frequency basis for toxic chemicals and
18 physical and chemical characteristics both
19 upstream and downstream of the discharge point
20 and the mixing zone. Such monitoring is
21 necessary to protect the quality of the
22 receiving water body.

23 Establish a draw-down rate that
24 allows for examination and evaluation of the
25 integrity of the side walls of the

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1 impoundments, identification of the seep areas
2 and monitoring of the interim cap in the waste
3 cell.

4 Remediate the side walls and
5 the areas of seepage and inflow and outflow
6 that contributing to the migration of water
7 and wastewater into and out of the cell and
8 impoundments.

9 Trap the impact of the interim
10 cap over the waste disposed of in the waste
11 cell during discharge events and remedial
12 activities.

13 Require monitoring of the water
14 levels inside the waste cell and inside the
15 impoundments and in the surrounding water
16 bodies on an ongoing basis throughout the
17 discharge and remedial activities.

18 Identify the areas of hydrologic
19 connection between the impoundments and the
20 cells and the surface and groundwater
21 resources in the area.

22 Require the establishment of
23 air monitoring stations surrounding the
24 landfill site and in the community to monitor
25 for particulate matter, hydrogen sulfide,

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1 sulfide dioxide, methane, and nonmethane
2 organic carbon.

3 It's been reported that
4 hydrogen sulfide and sulfide dioxide emissions
5 are a current problem in the area of the
6 landfill. As the interim cap and disposal of
7 waste is impacted by the wastewater draw down,
8 the problem of sulphur emissions may increase.
9 During remedial activities to ensure the
10 integrity of impoundments and remediation seep
11 areas, dust emissions may become a problem,
12 and air monitoring is an appropriate
13 requirement.

14 Require the clean closure of
15 the waste in the disposal cell. The waste in
16 the waste disposal cell has been submerged
17 under water for a long period of time and will
18 continue to be submerged. This submerged
19 condition will continue during the disclosure
20 process, during the post-closure period and
21 after the three-year post-closure period. And
22 I would like to reiterate the post-closure

23 period for monitoring is only three years.

24 The site conditions over the last

25 ten months demonstrate the need for removal of

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1 the waste from the disposal cell. Even after
2 the waste water is treated and discharged, the
3 waste in the cell will still remain in the
4 shallow groundwater and will be covered by
5 stormwater. The waste must be required to be
6 removed and disposed of.

7 In conclusion, the hearing
8 tonight deals with more than just a waste
9 water discharge application. The situation
10 consists of a landfill that is under water.
11 Waste water impoundment integrity is
12 questionable.

13 If DEQ grants a waste water
14 permit, according to the terms of the draft
15 permit, a major off-site pollution situation
16 will continue to occur and could reach
17 catastrophic levels with damages to the Maxent
18 Lagoon, surrounding surface and groundwater
19 resources, aquatic and terrestrial environment
20 And the health of the community, many of whom
21 are here tonight.

22 The DEQ must take the
23 appropriate action and require chemical
24 treatment of the waste water, much broader and
25 stricter discharge permit conditions to ensure

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1 that toxic chemicals from the submerged waste

2 do not impact the surrounding aquatic and
3 terrestrial environemnt, require the
4 implementation of a remedial action plan in
5 conjunction with the treatment of the waste
6 water in order to restore the integrity of the
7 waste cell and ponds and removal of the waste
8 from the disposal cell to isolate the
9 surrounding environment from the threat
10 proposed by the waste.

11 Thank you.

12 MR. GLORIOSO:

13 Thank you.

14 Are there any other comments?

15 I will go ahead and go through my closing
16 remarks.

17 I would like to remind you that
18 the comment period for draft water discharge
19 permit for Waste Management of Louisiana,
20 L.L.C., Chef Menteur Construction and
21 Demolition Landfill ends at 12:30 p.m.,
22 Monday, May 12, 2008.

23 All comments received, requests
24 for notification of the final decision and the
25 transcript from the hearing are processed by

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1 the Public Participation Group and are
2 available on EDMS.

3 The permit writer reviews all
4 comments and uses any additional information
5 that is appropriate to update the permitting
6 information.

7 The names and addresses of all
8 the commentators, speakers and those
9 requesting to be notified in the final
10 decision are added to the Public Comment
11 Database.

12 A final draft of the permit and
13 the response to the public comments are
14 prepared and forwarded to the Office of
15 Environmental Services Assistant Secretary for
16 final decision.

17 Upon the issuance of the
18 permit, a letter is mailed to all the
19 commenters, speakers and those who requested
20 to be notified of the final decision. The
21 final decision includes the appeal process,
22 the basis of decision and the response to all
23 the public comments received.

24 I have received a total of 15
25 exhibits during this hearing.

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1 If there are no other comments,
2 I would like thank you for your attention and
3 participation in this hearing. Let the record
4 reflect that the time is 9:23.

5 (Vietnamese translation.)

6 (Applause.)

7 MR. GLORIOSO:

8 The hearing is closed.

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1 CERTIFICATE OF REPORTER

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3 I, Rebecca T. Fussell, Certified Court
4 Reporter, in and for the State of Louisiana,
5 do hereby certify that the proceedings were
6 reported by me in stenographic machine
7 shorthand by Computer Aided Transcription,
8 transcribed by me, and is a true and correct
9 transcript to the best of my ability and
10 understanding.

11 That I am not of counsel nor related to
12 any person participating in this cause and am
13 in no way interested in the outcome of this
14 event.

15 This certification is valid only for a
16 transcript accompanied by my original

17 signature and original raised seal on this
18 page.

19

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21 REBECCA T. FUSSELL, CSR #90001

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